



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 15, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (July 1, 2008)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to provide for the approval of Deputy Directors by the City Council and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 4, 2008, up for F I R S T reading.

McCormick

Ordinance No. 5267

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to provide for the approval of Contracts by the City Council and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 4, 2008, up for F I R S T reading.

McCormick

Ordinance No. 5268

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** to amend the Charter of the City of Memphis, so as to allow persons employed with the City's Division of Police Services after this date to be exempted from the residency provisions of the Memphis City Charter and allowed to reside within (20) miles of the County line of Shelby County, Tennessee; and provided each non-resident so employed agrees to pay an annual fee to be deducted by payroll on a monthly basis, for as long as each person resides outside of the City and for as long as each such person is so employed by the City and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held on November 4, 2008, up for F I R ST reading.

Ford

Ordinance No. 5269

ACTION REQUESTED: Adopt the ordinance on First reading

**GENERAL ORDINANCES - SECOND READING** (None)

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

4. **RESOLUTION** accepting FOREST HILL HEIGHTS AMENDED P.D., PHASE 6, SEWER and DRAINAGE DEDICATION and authorizing release of bond.  
Case No. PD 96-347cc  
(Contract No. CR-4416)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located near the southeast corner of Winchester Road and Crestwyn Hills Drive. The standard improvement contract was approved on April 6, 1999. Resolution also authorizes the release the letter of credit in the amount of \$828,300.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)



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### MLGW FISCAL CONSENT

5. RESOLUTION approving a salary in the amount of \$90,979.20 annually for the position of Attorney, Level III.
6. RESOLUTION approving a salary in the amount of \$160,000.00 annually for the position of General Counsel.



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## REGULAR AGENDA

7.  
Flinn

### APPOINTMENTS

#### Administrative Judge

##### Appointment

Judge Earnestine Hunt Dorse

#### Director of Fire Services

##### Appointment

Alvin D. Benson

#### Memphis City Beautiful Commission

##### Appointments

Jack Conway  
Christian D. Davis  
Charles M. Green  
Estella Mayhue-Greer  
Frederick McLaughlin  
Thomas Nolan

### GENERAL ORDINANCES – THIRD AND FINAL READING

8. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, to reinstate Article 27, Section 190, Subsection B thereof, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee (Home Rule Amendment) so as to reinstate the Residency Requirement for persons employed solely by the City and to submit the proposed Ordinance to qualified voters of the City of Memphis at the first general State Election to be held November 4, 2008, up for T H I R D and F I N A L reading.

ACTION REQUESTED: Take whatever action Council deems advisable

9. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879 as amended, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee Home Rule Amendments so as to provide for disclosure of certain information by those seeking Elected Office and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the first general State Election to be held on November 4, 2008, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5266

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

10. RESOLUTION appropriating \$655,667.00 in G.O. Bonds from Fiscal Year 2008 CIP Budget to purchase one (1) Aerial Truck for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

11. RESOLUTION amending the FY09 Capital Improvement Budget by transferring an allocation of \$500,000.00 funded by G.O. Bonds General from HCD Strategic Community Investments Funds Program, CD01022 to Aprilwoods West Phase II, CD90052 for infrastructure improvements related to the Aprilwoods West Phase II for the construction of 47 units of affordable multi family housing.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

## **MLGW DIVISION**

12. RESOLUTION authorizing the execution and delivery of not to exceed \$35,000,000.00 Gas System Revenue Anticipation Notes of the City of Memphis for the benefit of the Memphis Light, Gas and Water Division to provide funds in anticipation of the collection of revenues from the City's gas system to purchase natural gas, including storage costs and pipeline capacity costs as permitted by § 7-34-111 (d) of Tennessee Code Annotated; fixing the terms of said notes; authorizing and approving the execution and delivery of the notes and other documents to effectuate the financing; authorizing the sale of the notes to the purchasers; designating the paying agent and registration agent and authorizing certain other acts in connection with the execution and delivery of said notes.

Ware

ACTION REQUESTED: Adopt the resolution

## **PARK SERVICES** (None)

## **DIVISION OF POLICE SERVICES**

13. RESOLUTION approving persons employed with the City's Division of Police Services after the date of this Resolution, are hereby exempted from the residency provisions of the Memphis City Charter and are hereby allowed to reside within twenty (20) miles of the county line of Shelby County, Tennessee; and provided each non-resident so employed agrees to pay an annual fee of \$1,200.00 to be deducted by payroll on a monthly basis, for as long as each person resides outside of the City and for as long as each such person is so employed by the City. (Held from 6/17; 7/1)

Flinn

ACTION REQUESTED: Adopt the resolution

## **DIVISION OF PUBLIC SERVICES** (None)

## **DIVISION OF PUBLIC WORKS**

14. RESOLUTION appropriating \$650,000.00 funded by G.O. Bonds General for Street Lighting FY 09, Project Number PW01193 to reimburse Memphis, Light, Gas and Water for cost incurred in connection with servicing, replacing and removing expressway street light poles.

Morrison

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION appropriating \$5,478,288.00 funded by G.O. Bonds General for Asphalt Paving FY09, Project Number PW01194 for paving done by City employees.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PLANNING & DEVELOPMENT**

16. RESOLUTION approving a hotel waiver for Hyatt Place located at 7902 Giacosa Place.  
(Held from 7/1)

Lowery

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving SUP waiver form.

Lowery

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving a use variance located on the southeast corner of Airways Boulevard and Lowell Avenue, containing 0.21 acre in the Single Family Residential (R-S6) District.

Lowery

Case No. UV 08-04

Applicant: Evonne Henderson

Request: Use variance to allow a Beauty Shop

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Public Hearing Required; No Opposition at LUCB**

**PUBLIC HEARINGS**

19. RESOLUTION approving a planned development located on the east side of Southwind Park Cove; +/-182.82 feet north of Winchester Road, containing 0.99 acre in an area currently governed by Offices of Southwind Planned Development (P.D. 02-354cc).

Lowery

Case No. PD 08-310cc

Applicant: C & K Property Management, LLC  
Prime Development Group - Representative

Request: Planned development amendment to allow a music or dancing academy and beauty shop in Parcel 5 of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**25 NOTICES MAILED ON JULY 3, 2008**

20. RESOLUTION approving a special use permit located on the north side of E.H. Crump Boulevard; +138 feet west of S. Third Street (180-182 South Crump), containing 1.01 acres in the SCBID Gateway Commercial District.

Lowery

Case No. SUP 07-215

Applicant: Willie Nelson  
Tim McCaskill – Representative

Request: Hotel

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**46 NOTICES MAILED ON JULY 3, 2008**

**GENERAL ITEM**

21. RESOLUTION to transfer the hiring process of Police Officers to the Human Resources Division. (Held from 6/17)

McCormick

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**



**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 8 – Approved
9. Failed
10. Through 12 – Approved
13. Dropped
14. and 15 – Approved
16. Held to August 5, 2008
17. Approved
18. Approved, as amended
19. Approved
20. Held to August 19, 2008
21. Held to August 5, 2008

**ACTION TAKEN ON THE MINUTES OF JULY 1, 2008**

Approved, as amended. Councilman Strickland stated that Item #35 says Mr. Bradley. Just to make it more clearer put Anthony Bradley

**ACTION TAKEN ON THE MINUTES OF JULY 15, 2008 FOR ITEMS #5 & #6 only:**

Approved